

**COMMITTEE ON FOREIGN AFFAIRS  
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**STATEMENT OF  
THE HONORABLE ENI F.H. FALEOMAVAEGA  
CHAIRMAN**

**before the  
SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE  
GLOBAL ENVIRONMENT**

**“Legacies of War: Unexploded Ordnance in Laos”**

**April 22, 2010**

Ironically, 39 years ago to the day in 1971, the late Senator Edward M. Kennedy, Chairman of the Senate Judiciary Subcommittee to Investigate Problems Connected with Refugees and Escapees, held a hearing on April 21 and April 22 to address war-related civilian problems in Indochina, including Laos.

Testifying before the Subcommittee was the Honorable Paul N. McCloskey, Jr., a representative in Congress from the State of California who had just recently returned from a visit to Laos where he and Congressman Waldie, also of California, had obtained certain facts that contradicted testimony that had been submitted to the subcommittee by the Departments of State and Defense on May 7 of the previous year.

At issue was the causation of refugees and the impact of U.S. Air Force bombing operations in Laos. The Departments of State and Defense suggested that U.S. bombing operations had been carefully directed and that very few inhabited villages were susceptible to being hit by U.S. airpower.

But as Senator Kennedy learned that day and as we now know, the Departments of State and Defense submitted testimony that was incorrect and misleading. The truth is widespread bombing had taken place and Laos refugees were succinct in describing the destruction of their homes as well as the use of CBU cluster bombs and white phosphorous.

How extensive were U.S. bombing raids? According to the Congressional Research Service, “Laos has been characterized as the most heavily bombed country in history, on a per capita basis. From 1964 through 1973, the United States flew 580,000 bombing runs over Laos and dropped more than 2 million tons of ordnance on the countryside, double the amount

dropped on Germany during World War II. Estimates of the number of unexploded submunitions from cluster bombs range from 8 million to 80 million, with less than one half of one percent destroyed, and less than 1% of contaminated lands cleared.”

To be clear about what this means, I want to display a map of U.S. Air Force Bombing Data that I obtained from our U.S. Embassy while I was in Laos in 2008. This map shows and tells it all. Looking at this map, can anyone honestly believe that there was no impact on the civilian population?

What makes this so sickening is that “cluster bombs and white phosphorous were used against the civilian population of a country against whom the United States [was] not at war,” as Congressman McCloskey stated, and “the bombing was done under the direction and control of the State Department, not the U.S. Air Force.”

In fact, the bombing was directed and controlled by the U.S. Ambassador to Laos. “Both the extent of the bombing and its impact on the civilian population of Laos have been deliberately concealed by the State Department,” Congressman McCloskey stated and, for historical purposes, I am submitting the complete text of the 1971 hearing record to be made a part of this record some 39 years later.

Some 39 years later, it is shameful that the U.S. State Department has not taken a more active role in making things right for the people of Laos but, for the first time in 39 years, I am hopeful that Secretary of State Hillary Clinton may be willing to champion their cause.

However, I am deeply disturbed that the State Department is planning to request lower amounts for UXO removal in Laos in FY11 than it spent in FY10. In my opinion, this is an unacceptable course of action.

During the Vietnam War, I served at the height of the Tet Offensive and, for as long as I live, I will continue to do all I can to help the victims of Agent Orange as well as those who are and were affected by U.S. bombing operations in Laos. Calling for an official public hearing is one way to draw more attention to the matter but Vietnam and Laos deserve more than a hearing. These countries deserve a concerted effort on the part of the U.S. government to help them rebuild, especially since their civilian populations were wrongly targeted.

Yes, we know that U.S. bombing campaign in Laos was designed to cut off North Vietnamese supply lines that ran through Laos but, no, the American public was not aware that the U.S. had undertaken “the most protracted bombing of civilian targets in history,” as Fred Branfman put it in a statement which was included in the 1971 hearing record.

To this day, America does not support the bombing of civilian targets. And, after every war, America has always helped countries rebuild. Even after Japan attacked the U.S., U.S. assistance to Japan for 1946-1952 was about \$15.2 billion in 2005 dollars, of which 77% was grants and 23% was loans,” according to the Congressional Research Service.

Also, according to the Congressional Research Service, from 2003 to 2006, the U.S. appropriated \$35.7 billion for Iraq reconstruction. For Germany, "in constant 2005 dollars, the United States provided a total of \$29.3 billion in assistance from 1946-1952 with 60% in economic grants and nearly 30% in economic loans, and the remainder in military aid."

What have we done for Laos? For now, the U.S. has been contributing about \$3 million per year since 1994 for UXO clearance operations. As every single one of us knows, this pittance is as disgraceful as the compensation we paid when the U.S. accidentally bombed the Ban Long village in Laos in January 1968 which resulted in 54 persons killed. At the time, we compensated the village \$55 for every person who had been killed. Senator Kennedy found that to be distressing. I do, too.

Enough is enough. Justice demands that these wrongs be set right. Yet our own State Department is planning to request lower amounts for UXO removal in Laos in FY11 than the meager amount it barely spent in FY10. This is unconscionable. Laos is one of the poorest countries in Southeast Asia and one of the smallest recipients of U.S. assistance. As a country founded on Judeo-Christian principles, we can and should do better.

I visited Laos again last year and, I tell you, I will not rest until the U.S. government begins to take action and accepts moral and financial responsibility for the mess we left behind. Children in Laos are counting on us and I want to especially recognize those who are being cared for at the COPE Center and applaud the good work of non-government organizations (NGO) from around the world who are making a difference.

I thank our witnesses from Legacies of War, the Humpty Dumpty Institute, and the Mines Advisory Group (MAG) for their leadership and I assure them that they have the full support of this Subcommittee as we work together to make this right.

I also want to commend His Excellency Phiane Philakone, Ambassador of the Lao People's Democratic Republic (PDR), for the service he has rendered on behalf of his country. It is because of him that I was able to gain a firsthand understanding of how catastrophic U.S. Air Force bombing operations really were and are. To this very day, Thursday, April 22, 2010, these deadly, unexploded ordnances continue to claim the lives of a people who are not and never were at war with us, and unless we rectify this now, the loss of life will go on and on, tomorrow, the next day, and every day thereafter.

As a matter of record, I am including a statement prepared by Minister Counselor and Deputy Chief of Mission Mai Sayavongs of the Lao PDR to the United States. I recognize the historic nature of this statement and I pledge to do all I can to provide assistance for UXO clearance, mine awareness and victim's assistance programs which is "an investment in the future of the lives of millions of Lao people," as the DCM has so eloquently stated.

Joining us today is the Honorable Scott Marciel, Deputy Assistant Secretary and Ambassador for ASEAN Affairs, of the Bureau of East Asian and Pacific Affairs at the U.S. Department of State. Hopefully, Ambassador Marciel can explain to us why the Bureau is

seeking to cut funding for UXO removal in Laos but similar cuts are not being proposed in other areas of the world.

Finally, I welcome my good friend, Congressman Mike Honda of California. Congressman Honda traveled with me to Laos and I appreciate that he is joining us on the panel today. Congressman Honda is a Member of the powerful House Committee on Appropriations and his presence at this hearing sends a strong signal that we are serious about holding the State Department accountable and setting this matter right for the Laotian people.

I now recognize Congressman Honda for any opening statement he may have.